

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 034536-0390
(formerly 038602-0402)

In patent application of
Peng Cho TANG *et al.*

Serial No.: 09/191,199

Group Art Unit: 1624

Filed: November 12, 1998

Examiner: B. Coleman

For: AZAINDOLE TYROSINE KINASE INHIBITORS (as amended)

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Your Petitioner, SUGEN, Inc., hereinafter represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/191,199, filed November 12, 1998, by virtue of an Assignment filed and recorded on February 22, 1999, on Reel/Frame 9803/0221, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A. Further, your Petitioner represents that it is the owner of the entire right, title and interest in and to U.S. Patent Application Serial No. 09/948,106, filed September 7, 2001, which is a divisional application of U.S. Patent Application Serial No. 09/100,854, filed June 19, 1998, now U.S. Patent No. 6,313,158 issued on November 6, 2001 by virtue of an Assignment filed and recorded on June 19, 1998, on Reel/Frame 9298/0322, in the

01/28/2004 HLE333 00000108 190741 09191199

01 FC:1814 110.00 DA

United States Patent and Trademark Office, a copy of the Assignment document is attached hereto as APPENDIX B.

Your Petitioner, SUGEN, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on U.S. Patent Application Serial No. 09/948,106, filed September 7, 2001. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that the legal title to U.S. Patent Application Serial No. 09/948,106, filed September 7, 2001, shall be the same as the legal title to any patent granted on the instant application, this agreement to run with any patent granted on the instant application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the instant application, prior to the full statutory term of U.S. Patent Application Serial No. 09/948,106, filed September 7, 2001, as defined in 35 U.S.C. §§154-156 and 173, in the event that any patent granted on U.S. Patent Application Serial No. 09/948,106, filed September 7, 2001, expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate, is reissued or as a result of an interference proceeding, or is otherwise in any manner not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of any patent granted on U.S. Patent Application Serial No. 09/948,106, filed September 7, 2001, as defined in 35 USC §§154-156 and 173, except for the separation of legal

title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the instant application that would extend beyond the present termination of any patent granted on U.S. Patent Application Serial No. 09/948,106, filed September 7, 2001, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the instant application to the extent provided by law.

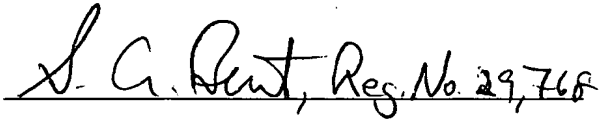
The undersigned, being the Attorney of Record for the instant application, and duly authorized to act on behalf of Petitioner, certifies that she has reviewed the Assignments attached as APPENDICES A and B, and to the best of her knowledge and belief, legal title to the instant application rests with Petitioner, SUGEN, Inc. The undersigned declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date January 27, 2004

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5427
Facsimile: (202) 672-5399


for Beth A. Burrous
Attorney for Applicants
Registration No. 35,087

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.

APPENDIX A



890 MAN
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MAY 26, 1999

PTAS

LYON & LYON LLP
RICHARD J. WARBURG
633 WEST FIFTH STREET, SUITE 4700
LOS ANGELES, CA 90071-2066



100981573A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/22/1999

REEL/FRAME: 9803/0221
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

TANG, PENG CHO

DOC DATE: 02/10/1999

ASSIGNOR:

SUN, LI

DOC DATE: 02/10/1999

ASSIGNOR:

MCMAHON, GERALD

DOC DATE: 02/15/1999

ASSIGNEE:

SUGEN, INC.
230 EAST GRAND AVENUE
SO. SAN FRANCISCO, CALIFORNIA 94080

SERIAL NUMBER: 09191199
PATENT NUMBER:

FILING DATE: 11/12/1998
ISSUE DATE:

RECEIVED
JUN 15 1999
JUN 15 1999
JUN 15 1999

9803/0221 PAGE 2

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

03-15-1999

FORM PTO-1595
1-31-92

REC



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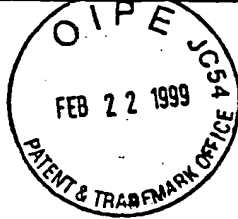
U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Docket No. 238/130

100981573

To the Honorable Commissioner of Patents and Trademarks. Please return this document or copy thereof.

1. Name of conveying party(ies):

Peng Cho Tang
Li Sun
Gerald McMahon

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

2. Name and address of receiving party:

Name: SUGEN, INCStreet Address 230 East Grand AvenueCity: So. San FranciscoState: CaliforniaZip: 94080Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

2-22-99

☒ AssignmentExecution Date: 10 and 16 February 1999

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s). 09/191,199

B. Patent No(s).:

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Richard J. WarburgInternal Address: LYON & LYON LLP
633 West Fifth Street, Suite 4700
Los Angeles, CA 90071-20666. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41): \$ 40.00☒ Enclosed☒ Charge this Deposit Account if any additional fee is required8. Deposit Account Number: 12-2475

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Charles S. Berkman, Reg No. 38,077

Date: February 17, 1999Total number of pages including cover sheet: 5

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OMB No. 0651-0011 (exp. 4/94)

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Commissioner of Patents and Trademarks

Box Assignments

Washington, D.C. 20231

02/24/1999 AIBRAHIN 00000056 09191199

06 FC:581

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ASSIGNMENT

For valuable consideration, we, PENG CHO TANG, a citizen of USA; LI SUN, a citizen of CHINA; and GERALD MCMAHON, a citizen of USA (hereinafter referred to as "the Assignors"), hereby assign to SUGEN, INC., a corporation organized and existing under and by virtue of the laws of the State of Delaware and having its principal place of business at 230 East Grand Avenue, South San Francisco, California 94080 and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are the subject of an application for United States Patent filed on November 12, 1998, U.S. Serial No. 09/191,199, and related applications and patents, entitled 3-HETEROARYLIDENEAZAINDOLIN-2-ONE TYROSINE KINASE INHIBITORS, this assignment including said application, any and all United States and foreign patents granted for any of said inventions or improvements, including all divisions, continuations, reissues, continuations-in-part and extensions thereof, and the right to claim priority based on the filing date of said application and based on the filing date of any provisional application of which said application claims the benefit under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our names or in its own name for patents and like rights of exclusion and for inventor's certificates for said inventions and improvements; and we agree for ourselves and our heirs, legal representatives and assigns, without further compensation, upon request to perform such lawful acts, to promptly provide Assignee with all pertinent facts and documents relating to said invention or application as may be known and accessible to us, to testify in any interference or litigation related to said invention or application and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this Assignment.

The Assignors hereby covenant that no assignment, sale, agreement, or encumbrance has been or will be made or entered into which would conflict with this Agreement.

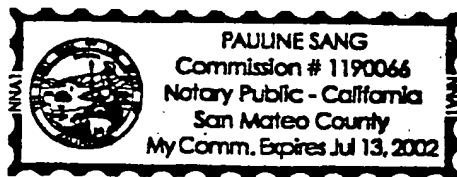
WITNESS my hand at South San Francisco, CA
this 10th day of February, 1999.
Peng Cho Tang

STATE OF California)
COUNTY OF San Mateo) ss

On 02/10/99 before me, PAULINE SANG, Notary Public, personally appeared
Peng Cho Tang

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies); and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Pauline Sang
Notary Public in and for said County and State.

WITNESS my hand at SOUTH SAN FRANCISCO, CA
this 10th day of FEBRUARY, 1999.

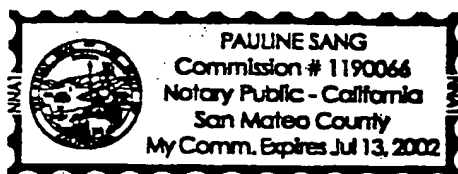
Li Sun

STATE OF CALIFORNIA)
COUNTY OF SAN MATEO) ss

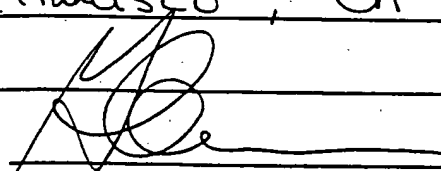
On 02/10/99 before me, PAULINE SANG, Notary Public, personally appeared
Li Sun

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Pauline Sang
Notary Public in and for said County and State

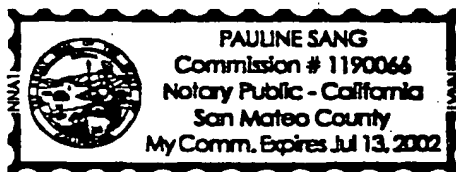
WITNESS my hand at South San Francisco, CA
this 16th day of February, 1999.

Gerald McMahon

STATE OF California)
COUNTY OF San Mateo) ss

On 02/16/99 before me, Pauline Sang, Notary Public, personally appeared
Gerald McMahon

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.




Notary Public in and for said County and State

APPENDIX B



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEPTEMBER 21, 1998

PTAS



100763360A

LYON AND LYON LLP
BERNARD F. ROSE
633 W. FIFTH STREET, STE. 4700
LOS ANGELES, CA 90071-2066

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RECORDATION DATE: 06/19/1998

REEL/FRAME: 9298/0322
NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

TANG, PENG CHO

DOC DATE: 05/20/1998

ASSIGNOR:

SUN, LI

DOC DATE: 05/20/1998

ASSIGNOR:

MCMAHON, GERALD

DOC DATE: 05/20/1998

ASSIGNEE:

SUGEN, INC.

515 GALVESTON DRIVE

REDWOOD CITY, CALIFORNIA 94063-4720

SERIAL NUMBER: 09100854

PATENT NUMBER:

FILING DATE: 06/19/1998

ISSUE DATE:

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SEP 25 1998
U.S. PROSECUTION

DOROTHY RILEY, PARALEGAL
ASSIGNMENT DIVISION
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07-14-1998

FORM PTO-1595
1-31-92U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

HEET

Docket No. 235/094

100763360

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Peng Cho Tang, Li Sun, Gerald McMahonAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other:Execution Date May 20, 1998

2. Name and address of receiving party:

Name: **Sugen, Inc.**

Internal Address: 515 Galveston Drive, Redwood City, CA 94063-4720

Street Address: 515 Galveston Drive, Redwood City, CA 94063-4720

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: June 19, 1998

A. Patent Application No.

B. Patent No.

Additional:

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **Bernard F. Rose, Esq. Lyon & Lyon LLP**Internal Address: **633 W. Fifth Street, Ste 4700**City: **Los Angeles** State: **California** ZIP **90071 -2066**Street Address: **633 W. Fifth Street, Ste 4700**City: **Los Angeles** State: **California** ZIP **90071 -2066**6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41):.....\$ 40.00

☒ Enclosed
☐ Authorized to be charged to deposit account8. Deposit Account Number: **12-2475** ✓

Please charge this Deposit Account if any additional fee is required.

(Attach duplicate copy of this page if paying by deposit account.)

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9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Date: June 19, 1998

Bernard F. Rose, Reg. No.: P-42,112

Total number of pages comprising cover sheet: 3

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JC558 U.S. PTO
09/10085407/10/1998 JTB:13105
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RECORDATION FORM COVER SHEET
PATENTS ONLY

Continuation of the information in Item

JC558 U.S. PTO

09/10/85



06/19/98

ASSIGNMENT

WHEREAS, I, **PENG CHO TANG**, a citizen of the United States of America, residing at 827 Camino Ricardo, Moraga, California 94556; **LI SUN**, a citizen of China, residing at 64 Rockharbor Lane, Foster City, California 94404; and **GERALD MCMAHON**, a citizen of United States of America, residing at 1800 Schultz Road, Kenwood, California 95452, have invented a new and useful invention, **"IMPROVED BIOAVAILABILITY 3-HETEROARYLIDENYL-2-INDOLINONES ACTIVE AS PROTEIN TYROSINE KINASE INHIBITORS"** for which we have filed application papers for United States Letters Patent thereon under attorney docket number 235/094

WHEREAS **SUGEN, INC.**, a Delaware corporation, having a place of business at 351 Galveston Drive, Redwood City, California 94063, is desirous of acquiring the exclusive right, title and interest in and to said invention and in to the Letters Patent to be granted and issued therefor in the United States of America and its territories and possessions, and all countries foreign thereto;

NOW THEREFORE for a valuable consideration, the receipt of which is hereby acknowledged, we, **PENG C. TANG, LI SUN, and GERALD McMAHON**, do hereby sell, assign, transfer and set over unto the said **SUGEN, INC.** its successors and assigns, the full and exclusive right, title and interest in and to said invention, and in and to any and all Letters Patents to be granted and issued therefore, not only form to and in the United States of America, its territories and possessions, but also for, to and in all other countries including all priority rights under the International Convention for the Protection of Industrial property for every member country, and all applications for patents heretofore or hereafter filed for said invention in any foreign countries and all patents (including all extensions, renewals and reissues thereof) granted for said invention in any foreign countries; and we hereby authorize and request the Commissioner of Patents and Trademarks, and any officials of foreign countries whose duty it is to issue patents on applications as aforesaid, to issue all patents for said invention to **SUGEN, INC.**, its successors and assigns, in accordance with this Assignment.

IN TESTIMONY WHEREOF, I hereunto set my hand this 20th day of May,

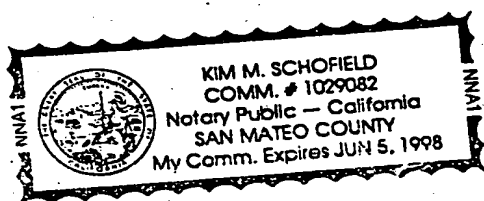
1998


PENG CHO TANG

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN MATEO)

On this 20th day of May, 1998, before me, a Notary Public, State of California,
duly commissioned and sworn, personally appeared **PENG CHO TANG** known to me to be the
person whose name is subscribed to in the within instrument and acknowledged to me that he
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal in Redwood City, California the day and year first above written.




NOTARY PUBLIC

IN TESTIMONY WHEREOF, I hereunto set my hand this 20 day of May,

1998

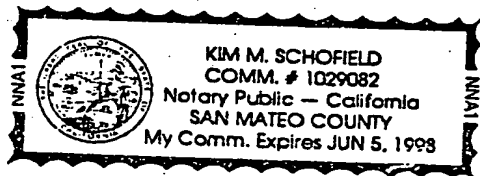


LI SUN

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN MATEO)

On this 20th day of May, 1998, before me, a Notary Public, State of California,
duly commissioned and sworn, personally appeared LI SUN known to me to be the person
whose name is subscribed to in the within instrument and acknowledged to me that he executed
the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal in Redwood City, California the day and year first above written.

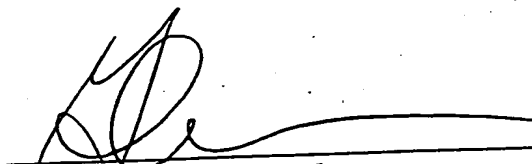




NOTARY PUBLIC

IN TESTIMONY WHEREOF, I hereunto set my hand this 20th day of May,

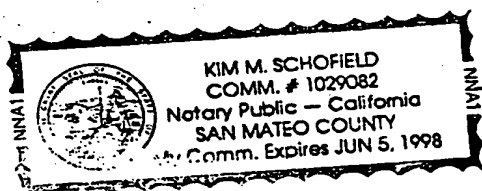
1998


GERALD McMAHON

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN MATEO).

On this 20th day of May, 1998, before me, a Notary Public, State of California,
duly commissioned and sworn, personally appeared **GERALD McMAHON** known to me to be
the person whose name is subscribed to in the within instrument and acknowledged to me that he
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal in Redwood City, California the day and year first above written.



Kim M. Schofield
NOTARY PUBLIC